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February 1, 2024

The Honorable Colm F. Connolly
Chief, United States District Judge
United States District Court
for the District of Delaware
844 N. King Street
Wilmington, DE 19801

Re: Scott Florcsk v. Unstoppable Domains Inc., C.A. No. 22-1230-CFC

Dear Chief Judge Connolly:

I write on behalf of Defendant Unstoppable Domains, Inc. to respectfully request a status conference in this matter.

On December 5, 2022, Defendant moved to dismiss Mr. Florcsk's claims for unfair competition under the Lanham Act, 15 U.S.C. § 1125(a) (Second Claim for Relief) and violation of Section 2 of the Sherman Antitrust Act, 15 U.S.C. § 2 (Third Claim for Relief) of the First Amended Complaint. D.I. 17. That motion was fully briefed as of January 5, 2023, and is pending before the Court. On December 20, 2023, the Court entered the parties' agreed Scheduling Order (D.I. 31), setting a trial date in July 2025. Mr. Florcsk recently served requests that seek discovery related to the two claims at issue in Defendant's motion.

Defendant believes that resolution of the pending motion will dispose of a substantial portion of this case, leaving only Mr. Florcsk's claim for declaratory judgment of non-infringement of Defendant's .WALLET marks. That declaratory judgment claim is premised largely on lawsuits dismissed by Defendant long ago and seeks little more than an advisory opinion on whether Plaintiff's hypothetical future use of his .WALLET domain would infringe Defendant's trademark rights. That claim should be amenable to resolution through mediation and Defendant respectfully requests that the Court order the parties to engage in mediation by a private mediator soon after the Court resolves Defendant's motion to dismiss.

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Counsel for Unstoppable Domains is available at the Court's convenience to discuss the status of this case.

Respectfully,

A handwritten signature in blue ink that reads "Michael J. Flynn". The signature is written in a cursive, flowing style.

Michael J. Flynn (#5333)
Counsel for Unstoppable Domains Inc.

cc: All counsel of record (via CM/ECF and email)